

# United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANTHONY E. SLOAN

Defendant

CRIMINAL COMPLAINT

CASE NUMBER: 08-M-

1022

FILED  
U.S. DISTRICT COURT  
W.D. OF N.Y.

2/21/08  
AT  
BY  
TITLE

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

Between in or about March of 2007, and on or about December 21, 2007, in the Western District of New York, the defendant ANTHONY E. SLOAN

(1) did knowingly persuade, induce, entice, or coerce an individual who had not attained the age of 18 years to engage in sexual activity, for which the defendant can be charged with a criminal offense, using a means of interstate commerce, namely the internet, or attempted to do so; and

(2) did knowingly possess any film, videotape, computer disk, or any other material that contains an image of child pornography that was produced using materials that have been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer;

all in violation of Title 18, United States Code, Sections 2422(b) and 2252A(a)(5)(B), respectively. I further state that I am a Special Agent with the Federal Bureau of Investigations and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

*Matthew I. Braverman*

Matthew I. Braverman, Special Agent  
Federal Bureau of Investigations

Signature of Complainant

Sworn to before me and subscribed in my presence,

February 21, 2008  
Date

at

Buffalo, New York  
City and State

JEREMIAH J. MCCARTHY  
United States Magistrate Judge  
Name & Title of Judicial Officer

*Jeremiah J. McCarthy*  
Signature of Judicial Officer

AFFIDAVIT OF MATTHEW I. BRAVERMAN

State of New York )  
County of Erie ) SS:  
City of Buffalo )

MATTHEW I. BRAVERMAN, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since August 2007. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422.

2. I make this affidavit in support of a criminal complaint charging ANTHONY SLOAN with violating Title 18, United States Code, Section 2422(b) which in pertinent part states:

Whoever, using the mail or any facility or means of interstate or foreign commerce, ... knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

and with violating Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2) and which in pertinent part states:

Any person who ... knowingly possesses any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or

transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer ... shall be fined under this title or imprisoned not more than 10 years, or both.

3. The statements contained in this affidavit are based on information provided by Agents of the FBI, police officers of the Batavia, New York Police Department and upon my training and experience as a Special Agent of the FBI. Because this affidavit is being submitted for the limited purpose in seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation.

4. On June 6, 2007, detectives from the Batavia Police Department, took the deposition of a 15 year old male from Batavia, New York (hereafter referred to as the "Batavia Minor"). The Batavia Minor described how he had met six men for sexual encounters in the Batavia, New York area. In one of the encounters, the Batavia Minor described how he met an individual with an internet screen name of TOUCH4LYFE. The individual using the screen name TOUCH4LYFE told the Batavia Minor that his name was Cameron. During the deposition, the Batavia Minor stated that he met Cameron for sex in March or April of 2007. Specifically, the Batavia Minor described the sexual acts he performed with Cameron, stating "we both did oral sex on each other ... Cameron rimmed me



(licked my ass) and tried to insert his penis but it hurt and I told him to stop and he did."

5. On December 19, 2007, Detective Todd Crossett of the Batavia Police Department, while acting in an undercover capacity on the Internet as a 14 year old male, connected to the Internet using America Online Instant Messenger (AIM) and communicated with screen name SHAY4419. During the ensuing conversation it was established that Detective Crossett's persona was a 14 year old male from Batavia, New York, and that SHAY4419 was an adult male from Churchville, New York. Throughout the conversation, Detective Crossett's persona and SHAY4419 engaged in sexually explicit conversation. SHAY4419 advised that he wanted to meet Detective Crossett's persona for sex and that he would pick him up at a drug store in Batavia, New York. The meeting day was eventually set as Friday, December 21, 2007.

6. On December 20, 2007, Detective Crossett, while online and acting undercover as a 14 year old male, received an instant message from an individual with the screen name of DAD4SONNEWYORK. During the conversation, DAD4SONNEWYORK stated that "iam 48" and acknowledged that he was speaking with a 14 year old male. DAD4SONNEWYORK went on to ask Detective Crossett's online persona if he "ever dreamed of having too daddies at once" and if he "got

plans tomorrow." After hearing that Detective Crossett's online persona had plans to meet another individual on December 21, 2007, DAD4SONNEWYORK told him he would like to participate in a threesome. DAD4SONNEWYORK asked Detective Crossett's online persona several questions about his sexual experiences, including "you like your ass licked? i love to do that" and about what he would be doing with the other individual on the following day, such as "gonna fuck? hehe." Towards the end of the conversation, DAD4SONNEWYORK told him that he was "jealous for the guy you are meeting tomorrow" and that he hoped "you guys have fun." Later that day, Detective Crosset's online persona received an instant message from SHAY4419 indicating that he had spoken with DAD4SONNEWYORK and that they would both meet him on December 21, 2007 at a Rite-Aid drug store in Batavia, New York.

7. On December 21, 2007, at approximately 3:00 p.m., ANTHONY SLOAN arrived at the Rite-Aid drug store and was taken into custody by the Batavia Police Department.

8. SLOAN was transported to the Batavia Police Department. At the station, SLOAN was informed of his *Miranda* rights. SLOAN stated that he understood his rights and agreed to speak with the interviewing Detectives.

9. In a written statement, SLOAN admitted to using the screen name DAD4SONNEWYORK. SLOAN admitted to conversing with Detective Crossett's online persona and that he understood that this persona stated that the individual was 14 years of age. SLOAN also stated how he had traveled to the drug store in Batavia, New York to have sex with Detective Crossett's online persona along with the individual of the screen name SHAY4419. A copy of SLOAN'S written statement is attached as Exhibit A. SLOAN also provided Detectives with written consent to the search of his computer. SLOAN was then arraigned before City Court Judge Balbick and committed to the Genesee County Jail. SLOAN was later released on bail.

10. Following SLOAN'S arrest, the Batavia Minor was presented with a photographic array containing images of six individuals and asked him if he could identify the man that he met for sex from the pictures. The Batavia Minor identified an image whom he recognized as Cameron using the screen name TOUCH4LYFE, the man he had met for sex. This image was of SLOAN.

11. On December 21, 2007, Detectives for the Batavia Police Department entered SLOAN'S residence and removed his computer



pursuant to his written consent. The computer was transported to the Western New York Regional Computer Forensics Lab (WNYRCFL) for analysis.

12. On February 8, 2008, the WNYRCFL completed their analysis of Sloan's computer. The examination was reviewed by Special Agents of the Buffalo Division of the FBI. Stored on the computer were a large number of log files from AIM and Yahoo Messenger instant messaging chat sessions. The log files included chats where the screen names of TOUCH4LYFE and DAD4SONNEWYORK on AIM and TOUCH4LYFE on Yahoo Messenger were used.

13. In addition to the chat logs discovered in the review of the forensic examination of Sloan's computer, Agents also discovered a movie file with the filename "two\_boys\_11&15\_149-59.mpg." The movie file, two minutes, 45 seconds in length, depicted two males, one of which is a minor, engaging in sexual behavior. In the movie, the males perform oral sex on each other and are filmed urinating. The males are also shown masturbating each other. According the forensic report, the movie file was discovered in the "c:\program files\mIRC\download" directory on SLOAN'S computer. This directory is used by the program mIRC which is used to access the Internet Relay Chat (IRC) network. IRC is an Internet-based instant messaging system where users can exchange

messages and files. The "download" directory of the program is typically where files received from other IRC users are saved.

14. The hard drive from SLOAN'S computer indicates that it was made by Western Digital, and contains a label which states "Made In Thailand."

15. Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that ANTHONY SLOAN has violated Title 18, United States Code, Sections 2422(b) and 2252A(a) (5) (B).



Matthew I. Braverman  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed to before  
me this 21st day of February 2008

  
HONORABLE JEREMIAH J. MCCARTHY  
UNITED STATES MAGISTRATE JUDGE



EXHIBIT A

Anthony Sloan of 29 Bennington Street, Rochester, New York age 48 years, DOB May 08, 1959 born in Canton, New York do hereby make the following statement to Det Crossett he having first identified himself is a Police Officer of the City of Batavia, NY.

have been informed of my Constitutional Rights as follows:

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a Court of Law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you so desire.
5. Do you understand that if you agree to talk to us now, you may stop at anytime during the questioning?  
Yes
6. Do you understand each of the rights I have stated to you? Yes
7. Having these right in mind, do you wish to talk to us now? Yes

STATES AS FOLLOWS: I am 48 years old and live at 29 Bennington Dr. Apartment E in Rochester, NY 14616 I have been talking online, at my home, on my desk top computer, with a person that I know as "Mike". I met Mike in a gay chat room about 1 year ago. The computer I use is in the living room of my apartment. It is the only computer in the apartment that works. The computer is in a desk. Mike's screen name is Shay4419 and I was Dad4Sonnewyork. On 12/20/2007 I was online and Mike told me that he had met someone named Todd online and he was going to meet him in Batavia to have sex with him. Mike told me that Todd said he was 14 years old. I told him that I didn't think it was good idea. After a while I said, maybe Todd would like to have a threesome. Mike encouraged me to meet Todd to have sex with him. Mike gave me Todd's screen name and I went on the computer on 12/20/2007 before 7:30pm and I spoke with Todd. I talked to him through AOL instant messaging. I asked Todd if he wanted to meet two guys, or a three some, and he said that he wasn't sure. Todd told me that he was 14 and I told him that I was 48. I talked to Todd online and told him I would lick his ass. I thought I was going to Batavia to meet Mike and Todd to have sex with Todd.

Mike called me today on 12/21/2007 at about 1:00pm on my cell phone and asked me if I was coming to Batavia to meet Todd and said that he was not coming because it didn't feel right to him. Mike gave me direction on where to go in Batavia to meet Todd. Mike said that I should go ahead to Batavia and tell him how it went and that he would make plans to meet Todd later in Batavia after he heard from me. I went to Batavia to meet with Todd and I drove my 1996 Toyota Corolla color green. Mike told me that Todd was going to be wearing a gray hoodie and a red baseball hat with a bike, and that we were going to meet at the Rite-Aid in Batavia. I got to the store in Batavia, just before 3:00pm. I was there for about 2 or 3 minutes and I saw a person walking a bike wearing a gray hoodie that I thought was Todd. I walked up to the person I thought was Todd and they said, police put your hands where I can see them. I told her I was

I have read this statement consisting of 2 page(s) and the facts contained therein are true.

WITNESSES [Signature]  
[Signature]

[Signature]  
SIGNATURE

Time this statement finished 5:03pm Page 1 of 2 Page(s) Date 12/21/07

I, **Anthony Sloan** of **29 Bennington Street, Rochester, New York** age **48** years, DOB **May 08, 1959** born in **Canton, New York** do hereby make the following statement to **Det Crossett** he having first identified himself as a Police Officer of the City of Batavia, NY.

not Shay. Then other police officers came up to me.

I have never met Mike and I only know that he told me that he works at RIT, as a computer teacher. He did call me today on my cell phone and told he could not make it to Batavia because it didn't seem right. He told me to go and check it out and let him know on the computer how it worked out and then he would come to Batavia and check out Todd himself.

*AS*

I have read this statement consisting of 2 page(s) and the facts contained therein are true.

WITNESSES

*[Signature]*  
*A. Crossett*

*[Signature]*  
SIGNATURE

Time this statement finished 5:03pm Page 2 of 2 Page(s) Date 12/21/07